

**CALENDAR ITEM
C105**

A 70,73

06/23/11

S 35,38

W 25639

J. Smith

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City of Dana Point
33282 Golden Lantern
Dana Point, California 92629`

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean at Capistrano Beach, city of Dana Point, Orange County.

AUTHORIZED USE:

Continued use and maintenance of three existing 30-inch diameter high density polyethylene (HDPE) storm drain outfall pipelines.

LEASE TERM:

25 years, beginning June 23, 2011.

CONSIDERATION:

Public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the upland adjoining the lease premises.

2. In November 2006, the city of Dana Point (City) completed construction of the Storm Drain Master Plan Improvements Phase II Project (Project). The Project involved the construction of a new storm drain facility to collect drainage from the bluff top and carry it to a new ocean outfall system located at Capistrano Beach. The outfall system consists of three 30-inch diameter HDPE pipelines that were constructed approximately 8 to 12 feet under the beach surface. Water flows out of the pipes only during storm events. The rest of the time, the water is either diverted or is minor and percolates into the sand underground.

CALENDAR ITEM NO. **C105** (CONT'D)

3. Commission staff continued to advise the City over the past few years that the project required Commission authorization. An application was finally submitted on October 14, 2010.
4. The City performs annual routine maintenance as needed pursuant to its Operation and Maintenance Plan and pursuant to regulatory permit requirements. The lease area also includes a travel path for maintenance equipment.
5. Staff recommends that the Commission authorize the issuance of a General Lease – Public Agency Use to the City for the continued use and maintenance of these outfall pipelines.
6. A Mitigated Negative Declaration SCH #2002101066 was prepared by the city of Dana Point and adopted on November 20, 2002, for this project. California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by the city of Dana Point.
7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers
California Department of Fish and Game
California Regional Water Quality Control Board
California Coastal Commission
Orange County

EXHIBITS:

- A. Location and Site Map
- B. Land Description
- C. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration SCH #2002101066 and a Mitigation Monitoring Program were prepared by the city of Dana Point

CALENDAR ITEM NO. **C105** (CONT'D)

and adopted on November 20, 2002 for this project and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:

Authorize issuance of a General Lease - Public Agency Use to the city of Dana Point beginning June 23, 2011, for a term of 25 years, for the continued use and maintenance of three existing 30-inch HDPE storm drain outfall pipelines as shown on Exhibit A (for reference purposes only) and as described on Exhibit B attached and by this reference made a part hereof; consideration to be the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.